

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ENERVA W. TROTMAN,)	
Petitioner,)	C.A. No. 20-323 Erie
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Richard A. Lanzillo
WARDEN TRATE,)	
Respondent.)	

MEMORANDUM ORDER

This action for habeas corpus relief was received by the Clerk of Court on November 24, 2020. In his habeas petition, Petitioner asserts four claims that appear to contend that the sentencing court erred in admitting certain evidence and that he is “actually innocent of the crack law enhancements” applied at sentencing. Thus, in essence, Petitioner seeks relief under 28 U.S.C. § 2241, pursuant to the “savings clause” of 28 U.S.C. 2255(e), which allows a federal prisoner to challenge the validity of his underlying conviction where it “appears that the remedy by [§2255 petition] is inadequate or ineffective to test the legality of his detention.” The petition was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On November 10, 2022, Magistrate Judge Lanzillo issued a Report and Recommendation (“R&R”) recommending that the petition be denied, with prejudice [ECF No. 21]. In particular, Judge Lanzillo found, *inter alia*, that Petitioner has not met the jurisdictional requirements of § 2255’s savings clause under In re Dorsainvil, 119 F.3d 245 (3d Cir. 1997), and Bruce v. Warden, Lewisburg USP, 868 F.3d 170 (3d Cir. 2017). Petitioner has not filed any Objections to the R&R.

Thus, after *de novo* review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 13th day of January, 2023,

IT IS HEREBY ORDERED that the within petition for a writ of habeas corpus is DISMISSED, with prejudice, and the report and recommendation of Magistrate Judge Lanzillo, issued on November 10, 2022 [ECF No. 21], is adopted as the opinion of this Court. As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
United States Magistrate Judge

All parties of record